DATE: April 12, 2017

TO: Planning Commission

FROM: Manjeet Ranu, AICP
Executive Secretary, Planning and Development Services

SUBJECT: Sign Code Revision Project

Issue: This is a study session to provide the Planning Commission an update on the Joint Subcommittee to review the Sign Code Revision Project as directed by Mayor and Council (see Background below for details). On August 9, 2016, the Mayor and Council initiated a Sign Code revision process and gave direction to do the following:

> Comply with the 2015 U.S. Supreme Court decision on *Reed v. Town of Gilbert*; Simplify the Sign Code by integrating it into the Unified Development Code, and Make practical changes that modernize the Code, Improve the quality of design and flexibility of the overall code, and ground it in technical standards; Have the Citizens Sign Code Committee (CSCC) and the Planning Commission (PC) hold joint study sessions and public hearings on the proposed changes to the Sign Code; Have staff return to the Mayor and Council with a recommendation no later than January 2017.

Note several councilmembers stated that Mayor and Council may consider a longer period of time at a study session if needed.

Based on this update, staff seeks input from the Commission on the remaining issues as identified by the Joint Subcommittee, along with consideration of public input.

Recommendation: Receive the staff report and provide direction.

Background: The June 2015 U.S. Supreme Court decision in the case *Reed vs. The Town of Gilbert* has required all jurisdictions in the country to review and amend their sign codes to be content-neutral. This case resulted in the City of Tucson needing to bring its Sign Code into conformance with the *Reed* decision. Additional background information about the *Reed* case is available in Attachment F.

About the time that *Reed* was announced, members of the business community raised concerns that the City's Sign Code is out of date, overly restrictive, and difficult to use in comparison to other regional and Arizona jurisdictions. After the Mayor and Council's August Study Session, several stakeholders not related to the business community have

raised concerns that this revision project may cause the current Sign Code to be weakened.

CSCC – PC Joint Subcommittee Review of the Preliminary Draft Sign Standards - Between October 2016 and March 2017, a joint subcommittee to review the Sign Code revisions met fourteen times. Overall, the subcommittee members met for a combined for a total of 170 hours of meetings and reviewed 49 committee suggested edits (Attachment D) at least two times each. During the process, staff has sent out more than sixty emails to the subcommittee and notification group. 146 stakeholders have attended these meetings representing 32 different organizations (not including individuals representing themselves). There have also been 87 speakers at the call to the audience and 32 comments submitted on the Sign Code Revision website. Links to the website and public/stakeholder comments received to date are included in Attachment G.

This subcommittee reviewed the entire draft Sign Standards document and are forwarding the following key remaining issues requiring resolution (detailed list is included in Attachment B) to be reviewed jointly by the full bodies of the Planning Commission and Citizen Sign Code Committee:

- Rate of change on digital signs
- Definition of premise
- Design option criteria (prohibited signs, specific caps, uniform background color, etc.)
- Public notice of design options
- Prohibition of feather banners
- Alterations to nonconforming signs
- Menu board sound mitigation
- Window sign standards
- Parapet and canopy sign standards
- Portable sign area allotment
- Scenic Route sign spacing standards
- Sign Design Review Committee appointment and quorum numbers.

Also in Attachment B, staff has provided a detailed analysis and discussion of the Joint Subcommittee's remaining issues, along with suggested approaches to address for consideration. This framework could be used by the Commission to guide its discussion following the update provided by staff.

Planning Commission Study Sessions – To date, the Planning Commission has held four study sessions to provide updates on the process and progress related to the Sign Code Revision Project. At those meetings, staff has presented an overview of Reed v. Town of Gilbert and the problems it has created, existing procedural complications with the existing code brought up by staff and the business community, and ultimately proposed strategies to for *Reed* compliance and process improvement. The March 1, 2017 Planning Communication, which details these items, is provided in Attachment E, for reference.

Next Steps:

With the conclusion of the Joint Subcommittee of the Planning Commission (PC) and Citizen Sign Code Committee (CSCC) review of the Sign Code Revisions, the draft is now being forwarded to their respective larger bodies, with a list of remaining issues to be resolved (Attachment B). The PC and CSCC will each hold their own study session and then both groups will hold a joint study session and make independent recommendations to the M&C. Staff anticipates the draft going to Mayor and Council by fall. It will include a sunset provision to look at it again in 18 months to determine if additional revisions are needed. Staff proposes a roadmap for PC and CSCC to get to point of making a recommendation to the Mayor & Council (Attachment H).

MR/jm/db
Planning and Development Services Department

Attachments:
A - Preliminary Sign Standards Draft – March 30, 2017
B - Draft Sign Standards Issues Requiring Resolution
C - Sign Table of Changes
D - Updated Matrix of Suggested Edits
E – March 1, 2017 PC Communication for Sign Code Revision Project
F - Background on *Reed* and the Subcommittee Process
G - Links to website and public - stakeholder comments received to date
H - Outline of proposed timeline to Mayor and Council